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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1853/2022**

VIJENDRA KUMAR

.....Petitioner

Through: Mr. Ankur Chhibber, Mr.
Anshuman Mehrotra, Mr.
Nikunj Arora and Mr. Arjun
Panwar, Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Jagdish Chandra, CGSC
with Mr. Shubham Kumar
Mishra, Adv. with Sqn. Ldr. M.
N. Khan.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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16.10.2024

CM APPL. 60842/2024

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 60841/2024

3. This application has been filed by the petitioner praying for the following relief:

“i. Allow the present application and thereby direct the Respondent No.04 to allow the Petitioner to join his selected post i.e. Scientific Officer-D in view of the



judgments dated 11.01.2024 and 22.01.2024 passed by this Hon'ble Court in similar circumstances and on identical issue.”

4. It is the case of the petitioner that by the *Interim* Order dated 19.05.2022, this Court had clarified that the candidature of the petitioner for the post of Scientific Officer-D with the respondent no.4 shall be subject to the outcome of the writ petition. The learned counsel for the petitioner submits that post the said order, the petitioner, upon completion of 20 years and 02 days of service, has been given the status of an Ex-Serviceman on 30.09.2024, and has been permitted to appear in any competitive examination or apply for any post under government employment. The No Objection Certificate (NOC) in this regard was also issued to the petitioner on 10.02.2024. He submits that, therefore, now there is no impediment to the petitioner joining the abovementioned post with the respondent no. 4. He further submits that pursuant to the Order dated 19.05.2022 of this Court, the respondent no. 4 has not filled the abovementioned post. In support, he places reliance on the following Judgements passed by this Court, which are as under:

- (i) ***Suman Kumar Verma v Union of India & Ors.***, 2024 SCC OnLine Del 254.
- (ii) ***Cpl. Pawan Kumar v Union of India and Ors.***, 2024 SCC OnLine Del 512.

5. The learned counsel for the respondents, who appears on advance notice, on instructions, submits that the petitioner, having completed his initial period of engagement and having been issued the



NOC, the respondents have no objection to the petitioner joining the abovementioned post.

6. In view of the above, the application is allowed and the respondent no. 4 shall allow the petitioner to join the abovementioned post in accordance with law and subject to its availability and the petitioner meeting the required criteria.

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7. In view of the above directions, nothing further survives in the present petition. Accordingly, the present petition is disposed of.

8. The next date of hearing, that is, 09.01.2025 stands cancelled.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 16, 2024/ss/sk/SJ

Click here to check corrigendum, if any